



Application Serial No.:09/909,497

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bauerlein, Peter
Title: NI/METAL HYDRIDE
SECONDARY ELEMENT
Appl. No.: 09/909,497
Appl. Filing Date: 07/20/2001
Examiner: Dah-Wei D. Yuan
Art Unit: 1745
Conf. No.: 4174
Atty. Dkt. No.: 054821-0852 (formerly
1201-01)

| | |
|--|-------------------|
| CERTIFICATE OF EXPRESS MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450. | |
| EV 431583086 US | 06/01/04 |
| (Express Mail Label Number) | (Date of Deposit) |
| Roberta A. Cooper (Printed Name) | |
|  (Signature) | |

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. **Submission required under 37 C.F.R. §1.114:** (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment/reply previously filed on ____.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ____ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ____.
- ☐ Other ____.

06/03/2004 CCHAU1 00000025 09909497

02 FC:1801

770.00 OP

-1-

b. Enclosed are:

- ☒ Amendment/Reply.
- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of ___ listed reference(s).
- ☒ Other: Petition to Revive.

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months.

The filing fee is calculated below:

| | Claims as Amended | Previously Paid For | Extra Claims Present | Rate | Fee Totals |
|--|----------------------|------------------------|-------------------------|------------|------------|
| RCE Fee 1.17(e): | | | | \$770.00 | = \$770.00 |
| Total Claims: | 12 | - 12 | = 0 | x \$18.00 | = \$0.00 |
| Independents | 4 | - 4 | = 0 | x \$86.00 | = \$0.00 |
| First presentation of any Multiple Dependent Claims: | | | | + \$290.00 | = \$0.00 |
| CLAIMS FEE TOTAL: | | | | | = \$770.00 |

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

| | | | | |
|---------------------------------|---|------------|---|----------|
| <input type="checkbox"/> | Extension for response filed within the first month: | \$110.00 | 0 | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the second month: | \$420.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the third month: | \$950.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fourth month: | \$1,480.00 | | \$0.00 |
| <input type="checkbox"/> | Extension for response filed within the fifth month: | \$2,010.00 | | \$0.00 |
| EXTENSION FEE SUBTOTAL: | | | | \$0.00 |
| EXTENSION FEE ALREADY PAID: - | | | | \$0.00 |
| EXTENSION FEE TOTAL | | | | \$0.00 |
| CLAIMS AND EXTENSION FEE TOTAL: | | | | \$770.00 |
| <input type="checkbox"/> | Small Entity Fees Apply (subtract ½ of above): | | | \$0.00 |
| <input type="checkbox"/> | Suspension of action requested under 37 C.F.R. § 1.103(c) | | | \$0.00 |
| TOTAL FEE: | | | | \$770.00 |

- ☒ A check in the amount of \$770.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date 6/1/09

By 

FOLEY & LARDNER LLP
 Customer Number: 26371
 Telephone: (414) 297-5564
 Facsimile: (414) 297-4900

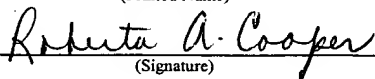
Marcus W. Sprow
 Attorney for Applicant
 Registration No. 48,580



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| Roberta A. Cooper | |
| (Printed Name) | |
|  | |
| (Signature) | |

REPLY AND AMENDMENT

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

This communication is responsive to the Final Office Action dated October 3, 2003, concerning the above-referenced patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 5 of this document.

Please amend the application as follows: